

HOUSE BILL No. 1266

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2-67; IC 31-17-2.

Synopsis: Joint parenting. Establishes a rebuttable presumption that joint parenting is in the best interest of a child. Requires a court to consider the ability of the joint parents to communicate and advance the child's welfare if the presumption of joint parenting is challenged. Repeals a provision containing language that is relocated within the Indiana Code.

Effective: July 1, 2005.

Pond, Ayres

January 11, 2005, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1266

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-9-2-67 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 67. ~~"Joint legal~~
3 ~~custody"~~, **"Joint parenting"**, for purposes of IC 31-17-2-13
4 ~~IC 31-17-2-14~~, and IC 31-17-2-15, means that the persons ~~awarded~~
5 **joint custody ordered to jointly parent a child** will share authority
6 and responsibility for the major decisions concerning the child's
7 upbringing, including the child's:

- 8 (1) education;
9 (2) health care; and
10 (3) religious training.

11 **However, the term does not require an equal division of physical**
12 **custody of the child.**

13 SECTION 2. IC 31-17-2-13 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. ~~The court may~~
15 ~~award legal custody of a child jointly if the court finds that an award of~~
16 ~~joint legal custody would be~~ **There is a rebuttable presumption that**
17 **joint parenting is** in the best interest of the child.

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SECTION 3. IC 31-17-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. ~~In determining whether an award of~~ **If a party seeks to rebut the presumption** under section 13 of this chapter ~~that joint legal custody parenting would be~~ **is** in the best interest of the child, the court shall consider it a matter of primary, but not determinative, importance ~~that the persons awarded joint custody have agreed to an award of joint legal custody. The court shall also consider:~~

(1) the fitness and suitability of each of the persons awarded joint custody;

(2) whether the persons awarded joint custody ~~who would be jointly parenting~~ are willing and able to communicate and cooperate in advancing the child's welfare.

(3) the wishes of the child, with more consideration given to the child's wishes if the child is at least fourteen (14) years of age; and

(4) whether the child has established a close and beneficial relationship with both of the persons awarded joint custody;

(5) whether the persons awarded joint custody:

(A) live in close proximity to each other; and

(B) plan to continue to do so; and

(6) the nature of the physical and emotional environment in the home of each of the persons awarded joint custody.

SECTION 4. IC 31-17-2-14 IS REPEALED [EFFECTIVE JULY 1, 2005].

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